



CITY OF PHILADELPHIA

LAW DEPARTMENT
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February 20, 2013

VIA ELECTRONIC MAIL

Tom Nash
MuckRock News
DEPT MR 2822
PO Box 55819
Boston, MA 02205-5819
(various addresses)@requests.muckrock.com

Re: Nash CP 2013-0143i; 2013-0144i; 2013-0149i; 2013-0150i

Dear Mr. Nash:

Thank you for writing to the City of Philadelphia with your requests for information. Copies of your requests are attached. This letter serves an acknowledgement of receipt of your requests and notice of the City's Open Records Policy pursuant to the Right to Know Law.

Please note at the outset that written requests for records to state and local agencies in Pennsylvania are generally governed by the Commonwealth's Right to Know Law (the "Act"), 65 P.S. §67.101-67.3104. In accordance with the Act, the City has promulgated a Right to Know Policy, which requires the standard statewide Right to Know Form be used for the submission of written requests pursuant to the Act. *See* 65 P.S. § 67.504(a); *Dekok v. Lancaster County*, AP 2010-1197, 2011 PA O.O.R.D. LEXIS 25 at *5 and n.1 (OOR Jan. 17, 2011) (holding that in accordance with the Right to Know Law, an agency may adopt a policy requiring the use of the standard statewide form established by the Office of Open Records in order to file a Right to Know Request); *accord Pennsylvania Gaming Control Board v. OOR*, 48 A.3d 503 (Pa. Commw. 2012). As your requests were not submitted on or with the standard statewide form, the City does not consider your requests to be written requests pursuant to the Act and will process them as informal requests.

You do not have to resubmit your requests for the City to respond unless you are specifically informed otherwise.¹ The City is continuing to process the requests you have submitted as informal requests outside the Act and will be in touch with you further to respond to your requests.

¹ The City reserves the right to require a formal RTK Request be submitted pursuant to the Act before releasing records.

However, if you would like to file RTK Requests, please submit your requests on or with the standard statewide Right to Know Form and address your requests to the appropriate open records officer in accordance with the City's Right to Know Policy. **Please include this notice with your RTK Request.** Please note that if you resubmit your requests as written requests pursuant to the Act the City will deem your informal requests to have been withdrawn.

The City's Open Records Policy can be found here:

<http://www.phila.gov/privacy/pdfs/FinalCityOpenRecords.pdf>.

The statewide form appears at the end of the City's Right to Know Policy. If you require a hard copy of the form and/or policy, please let me know and one will be provided.

The City reserves the right to assert any and all grounds of denial in its final response to your requests.

Respectfully,

A handwritten signature in black ink, appearing to read "Ben Mishkin", with a stylized flourish at the end.

Benjamin S. Mishkin
Assistant City Solicitor

cc: Christopher R. DiFusco, Divisional Deputy City Solicitor;
Jo Rosenberger Altman, Assistant City Solicitor